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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

STORK, KYLE R

ART UNIT

PAPER NUMBER

2178

MAIL DATE

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11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,059	Applicant(s) JONSSON, MATTIAS	
	Examiner KYLE R. STORK	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 20 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 20 and 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10.14.08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This non-final office action is in response to the amendment filed 14 October 2008.
2. Claims 1-9, 20, and 24-28 are pending. Claims 10-19 and 21-23 are cancelled by the amendment.

The objection to claims 6-7 under 37 CFR 1.75(c) has been withdrawn in light of the applicant's remarks.

The rejection of claims 6-7, 9, 26, and 28 under 35 USC 112 has been withdrawn as necessitated by the amendment.

The rejection of claims 21-23 and 25 under 35 USC 101 has been withdrawn as necessitated by the amendment.

This application has been made non-final based upon the Examiner's failure to consider the claims as presented in the preliminary amendment filed 3 January 2006.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 14 October 2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-5, 8-9, and 20-28 remain rejected and claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by Moon et al. (US 6711740, filed 17 January 2002, hereafter Moon).

As per independent claim 1, Moon discloses a method for compressing a data set to be transmitted from a first application in a first communications network to a second application in a second communications network, said data set having a markup hierarchy and comprising data having parts having first binary size, the data set being arranged according to a definition part, the method comprising the steps of:

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Generating a set of codes as a compression key defining said data parts defined in said definition part with codes having a second binary size less than said first binary size, wherein each code relates to a markup name (column 3, lines 31-63; column 5, lines 29-64)

Assigning at least said markup hierarchy with said set of codes (column 3, lines 31-63; column 5, lines 29-64)

Replacing said data parts in the form of said markup names in said data by said assigned codes and producing a compressed data set (column 3, lines 31-63; column 5, lines 29-64: Here, tags contained within the data set are compressed by replacing the tags using selected compression codes from a DTD to generate a compressed data set)

As per dependent claim 2, Moon discloses wherein the markup hierarchy refer to a reference comprising a second markup hierarchy which are resolved and assigned with codes (column 3, lines 31-63: Here, the DTD is a second hierarchy. The DTD contains the data referenced by the compression codes).

As per dependent claim 3, Moon discloses wherein each code is unique (column 6, lines 62-76).

As per dependent claim 4, Moon disclose wherein each code replaces a markup hierarchy in said data set is assigned a value pointed out by the markup hierarchy (column 5, lines 59-64; column 6, lines 49-61: Here, the values contained in the hierarchy are contained in a DTD, allowing for compression/decompression of the compressed document).

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As per dependent claim 5, Moon discloses wherein a code replacing a markup hierarchy in the data set is assigned a value comprised by a reference pointed out by the markup hierarchy (column 5, lines 59-64; column 6, lines 49-61).

As per dependent claim 6, Moon discloses wherein a value pointed out by a markup hierarchy in said data set is one of a limited set of values defined in said data set, where each value is assigned a code that replaces said value in said data set (column 5, lines 59-64; column 6, lines 49-61).

As per dependent claim 8, Moon discloses wherein the definition part is a DTD or an XML-schema and the data set is a markup document (column 3, lines 1-9).

As per dependent claim 9, Moon discloses wherein the markup document is structured according to a markup language as XML, SGML, or similar (column 1, lines 56-67).

As per independent claims 20-25, the applicant discloses the limitations similar to those in claim 1. Claims 20-25 are similarly rejected.

As per dependent claims 26-28, Moon discloses wherein the first unit is any of a mobile station, a mobile phone, a palm size computer, a computer, or similar (column 2, lines 45-52); wherein the first unit is a remote control or monitoring device (column 2, lines 45-52); and wherein the second unit a remote controlled arrangement such as robot, a vehicle, or missile (column 2, lines 45-52).

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moon and further in view of Yoshida et al. (US 2003/0158854, filed 21 October 2002, hereafter Yoshida).

As per dependent claim 7, Moon discloses the limitations similar to those in claim 4, and the same rejection is incorporated herein. Moon fails to specifically disclose wherein data is replaced by a numerical representation. However, Yoshida discloses wherein data is replaced by a numerical representation (paragraph 0031: Here, the result of compression is placed in the XML document in the form of character codes). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Yoshida with Moon, since it would have allowed for compression of data by substituting a result of compressed binary data into the markup file.

Response to Arguments

8. Applicant's arguments filed 14 October 2008, with respect to the rejection of claims under 35 USC 102 have been fully considered but they are not persuasive.

The applicant argues that Moon fails to disclose data parts having different binary sizes and replacing data parts with markup names (page 14). The examiner

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respectfully disagrees. Each data part within the data set inherently has a binary size. All data contained within a computer is binary data, as the computer is only able to interact with data in a binary format. Although a user high level programs such as GUIs and parsers are able to obscure the binary coding of data from a user, this does not alleviate the fact that all data is internally encoded within the computer as binary data. Further, Moon discloses replacement of data parts in the data set by assigning replacement codes (column 3, lines 31-63; column 5, lines 29-64). Therefore, these arguments are not persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyle Stork/

Kyle R Stork
Examiner
Art Unit 2178

/Stephen S. Hong/
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